REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 3, 12 and 21 are cancelled.

Claims 1, 10 and 19 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 4, 5, 7-10, 13, 14, 16-19, 22, 23 and 25-27 are now pending in this application.

Claim Rejections under 35 U.S.C. § 112

Claims 1, 3-5, 7-10, 12-14, 16-19, 21-23 and 25-27 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, without agreeing or acquiescing to the rejection, Applicants have amended claims 1, 12 and 19 to adhere to the requirements under 35 U.S.C. § 112, second paragraph.

The Office Action asserts that the claims "do[es] not clearly define the condition of when a loop-back transmission mode is not set." However, Applicants note that the claims are directed to specific cases in which a loop-back transmission mode is set. Cases in which the loop-back transmission mode is not set are not pertinent to the claimed invention. Further, contrary to the Office Action's assertion, the claims do not recite that "a loop-back transmission mode is always set." Accordingly, Applicants request that the rejection be withdrawn and claims 1, 3-5, 7-10, 12-14, 16-19, 21-23 and 25-27 be allowed.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3-5, 7-8, 10, 12-14, 16-17, 19, 21-23 and 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,818,842 to Burwell ("Burwell")

in view of U.S. Patent Pub. No. 2001/0021173 to Oohashi ("Oohashi"). Claims 9, 18 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burwell and Oohashi further in view of U.S. Patent No. 6,256,314 to Rodrig et al. ("Rodrig).

In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 1, 10 and 19. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to an "ATM (Asynchronous Transfer Mode) bridge device to which an ATM network and a layer 2 network are connected" comprising, in addition to other elements, "a packet scrapping judging unit" wherein "if said transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted <u>are matched</u> with said transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output, <u>to scrap said packet</u>" (Emphasis added). Independent claims 10 and 19 recite similar limitations.

Without limitation to the claims, the Examiner is referred to Fig. 3 of the application as filed. The packet scrapping judging unit determines whether the "transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted" matches the "transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output." Accordingly, the device and method claimed in claims 1, 10 and 19 can detect the formation of a loop in an ATM bridge transmission. The ATM bridge device can then remove unwanted ATM network traffic produced by a loop and identify a point in the network where a loop has been formed.

-8-

In contrast, the cited references do not disclose, teach or suggest each and every element recited in independent claims 1, 10 and 19.

The Office Action acknowledges that Burwell fails to disclose "if said transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted are matched with said transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output, to scrap said packet." *See* p. 5 of Office Action. To cure the deficiencies of Burwell the Office Action relies on Oohashi.

However, the combination of the cited references fail to identically disclose "a packet scrapping judging unit" wherein "if said transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted <u>are matched</u> with said transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output, <u>to scrap said packet</u>" as claimed in the amended independent claims. The Office Action asserts that the above-mentioned limitations are disclosed in ¶¶ [0039]-[0044], [0050]-[0054] and Figs. 1-4 of Oohashi. Applicants respectfully disagree.

The passages cited in the Office Action describes the components of a "decision-making route control system." The system described in Oohashi determines whether a stationary route is valid or invalid and sets a state of a loop-back interface. *See* ¶¶ [0050]-[0054]. However, determining whether a route is valid or invalid is not identical to determining "if said transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted <u>are matched</u> with said transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output, <u>to scrap said packet</u>" as claimed in the amended independent claims. That is, Oohashi does not disclose a scrapping judging unit that is configured to perform the above described matching function.

When determining whether a claim is obvious, an examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the

prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in amended independent claims 1, 10 and 19.

Accordingly, the combination of Burwell and Oohashi fail to disclose "a packet scrapping judging unit" wherein "if said transmitter address of said packet input from said ATM network and information about said transmission path through which said packet had been transmitted are matched with said transmitter address of said packet learnt by said second learning unit and information about said transmission path to which said packet is to be output, to scrap said packet" as claimed in independent claims 1, 10 and 19. Claims 3-5, 7-9, 12-14, 16-18, 21-23 and 25-27 depend from one of independent claims 1, 10 and 19 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Rodrig fails to cure the deficiencies of Burwell and Oohashi.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___9/21/2009___   By _____

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-11-